

### **REMARKS**

In the Office Action, claims 1-5, 12-17 and 20-23 were rejected and claims 6-11, 18 and 19 were objected to. By the present Response, claims 1, 8, 14, 19, 22 and 23 are amended, claims 6, 7 and 15-18 are canceled and new claims 24-28 have been added. Upon entry of the amendments, claims 1-5, 8-14, 19-28 will remain pending in the present patent application. All of the pending claims are believed to be clearly allowable over the prior art of record. Reconsideration and allowance of all pending claims are respectfully requested in view of the amendments and the points set forth below.

### **Rejections Under Double Patenting**

In the Office Action, claims 1-23 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of Hocter et al., U.S. Patent No. 7,269,427, (hereinafter "Hocter").

Applicants have noted the Examiner's rejection of pending claims under double patenting in view of Hocter. A terminal disclaimer to overcome the rejection is being filed with this Response. Thus, it is respectfully requested that the rejections of claims 1-23 under double patenting be withdrawn.

### **Rejections Under 35 U.S.C. § 102**

Claims 1-2, 5, 14, 15 and 23 were rejected under 35 U.S.C. § 102(e) as being anticipated by Patwari et al., U.S. Patent No. 6,472,038 (hereinafter "Patwari"). A *prima facie* case of anticipation under 35 U.S.C. § 102 requires a showing that each limitation of a claim is found in a single reference, practice or device. *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985). Applicants respectfully traverse this rejection and assert that the present invention, as recited in amended independent claims 1, 14 and 23 is patentable over the Patwari reference.

Claim 1 has been amended to include the recitations of claim 6. Claim 6 was indicated as allowable if rewritten in independent form including all of the recitations of the base claim and any intervening claims. Claim 1 is therefore in condition for allowance. Claims 6 and 7 have been cancelled by the present response. Claim 8 has been amended based on the amendments to claim 1. As dependent claims 2-5 and 8-13 depend directly or indirectly from allowable amended claim 1, these claims are also considered to be allowable. Applicants also submit that the dependent claims are further allowable by virtue of the subject matter they separately recite.

Claim 14 has been amended to include the recitations of claims 15, 16 and 18. Claim 18 was indicated as allowable if rewritten in independent form including all of the recitations of the base claim and any intervening claims. Claim 14 is therefore in condition for allowance. Claims 15-18 have been cancelled by the present response. Claims 19 and 22 have been amended based on the amendments to claim 14. As dependent claims 19-22 depend directly or indirectly from allowable amended claim 14 these claims are also considered to be allowable. Applicants also submit that the dependent claims are further allowable by virtue of the subject matter they separately recite.

Further, Applicants respectfully assert that the present invention, as recited in amended independent claim 23 is patentable over the Patwari reference. Claim 23 has been amended to include some of the recitations of claim 8. Claim 8 was indicated as allowable if rewritten in independent form including all of the recitations of the base claim and any intervening claims. While not all of the recitations of claim 8 have been incorporated into claim 23, Applicants submit that claim 23 is in condition for allowance.

Thus, it is respectfully requested that the rejections of claims 1-2, 5, 14 and 23 under 35 U.S.C. §102(b) be withdrawn.

**Rejections Under 35 U.S.C. § 103**

Claims 3, 4, 10-13 and 16-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Patwari in view of Werb, U.S. Patent Application No. 2003/0013146. Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Patwari in view of Richards et al., U.S. Patent No. 6,466,125. However, the Examiner did not formulate any rejection against claims 10-11 and 18-19. Instead, the Examiner indicated the claims 10-11 and 18-19 to be allowable. Moreover, the Examiner formulated rejections against claims 20 and 21. Applicants therefore believe that the Examiner did not intend to reject claims 10-11 and 18-19 but intended to reject claims 20 and 21. Claims 16 and 17 have been canceled by the present response.

As discussed above, the Patwari reference does not teach, suggest or disclose each and every aspect of Applicants recited invention as claimed in the amended independent claims 1 and 14. Claims 3-4, 12-13 and 20-22 depend directly or indirectly from claims 1 and 14, and are allowable by virtue of such dependency, as well as for the subject matter they separately recite. Thus, it is respectfully requested that the rejection of claims 3-4, 12-13 and 20-22 under 35 U.S.C. §103(a) be withdrawn.

**New Claims 24-28**

Claim 24 includes the recitations of claims 14 and 18. Claim 18 was indicated as allowable if rewritten in independent form including all of the recitations of the base claim and any intervening claims. While not all of the recitations of claim 18 have been incorporated into claim 24, Applicants submit that claim 24 is in condition for allowance. Claims 27-28 depend from independent claim 24 and are believed to be equally allowable.

Claims 25 and 26 depend directly from allowable claim 23, and are allowable by virtue of such dependency, as well as for the subject matter they separately recite.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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/Patrick S. Yoder/

Patrick S. Yoder  
Reg. No. 37,479  
FLETCHER YODER  
P.O. Box 692289  
Houston, TX 77269-2289  
(281) 970-4545